

Notice of Allowability

Application No.

09/982,258

Applicant(s)

LEE ET AL.

Examiner

Abolfazi Tabatabai

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on April 18, 2006.
2. ☒ The allowed claim(s) is/are 1, 2, 5-7 and 11-18 (now renumbered 1-13).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

JINGGE WU
PRIMARY EXAMINER

Drawings

1. The drawings were received on October 19, 2001. These drawings are accepted by the Examiner.

Reasons for Allowance

2. Applicant's amendment/argument (pages 9-10), filed on April 18, 2006, has been fully considered and are persuasive. As a result the art rejection of claims 1, 5, 6 and 7 have been withdrawn. Therefore, claims 1,2, 5-7 and 11-18 are allowable.

3. The following is an Examiner's statement of reasons for allowance. The prior art of record fails to teach or suggest, method of inducing or enhancing chondrogenesis with extra cellular matrix comprises; (a) dividing an image into $N \times M$ partial regions; obtaining an average hue value of pixels having a chroma above a predetermined threshold, and a variance of hue values for the pixels concerned in the average hue value with respect to all the divided regions; re-averaging average hue values obtained in the respective regions with respect to regions satisfying a condition that the variance is below a predetermined threshold, and obtaining a variance of the average hue values concerned in the re-averaging; and designing the re-averaged hue value as the hue value of the color distortion information in combination into other elements and features of claim 1; (b) obtaining a region that has a skin color and a motion is produced by logically multiplying the extracted difference image and the skin color region; designating a region satisfying a face ratio among the obtained regions as a candidate

Art Unit: 2624

of the face; and identifying the candidate of the face by a template matching in combination into other features and elements of claim 2.

4. Claims 1,2, 5-7 and 11-18 (now renumbered 1-13) are allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ABOLFAZL TABATABAI whose telephone number is (571) 272-7458.

The Examiner can normally be reached on Monday through Friday from 9:30 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Jingge Wu, can be reached at (571) 272-7429. The fax phone number for organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/982,258
Art Unit: 2624

Page 4

Abolfazl Tabatabai

Patent Examiner

Technology Division 2624

April 28, 2006

A-Tabatabai


JINGGE WU
PRIMARY EXAMINER